



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

[REDACTED]

PRELIMINARY RECITALS

Pursuant to a petition filed August 20, 2015, under Wis. Stat., §49.45(5)(a), to review a decision by the Grant County Dept. of Social Services to discontinue Medical Assistance (MA), a hearing was held on September 23, 2015, by telephone.

The issue for determination is whether petitioner's household income is over the BadgerCare Plus (BC+) MA limit.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED]
Grant County Dept. of Social Services
P.O. Box 447
Lancaster, WI 53813

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Grant County.
2. Petitioner resides with her husband and their 17-year-old son. They have received BC+ MA for the entire household with no premium. Neither of the adults has been determined to be disabled for social security or MA purposes.
3. In August, 2015 the county was notified that petitioner's husband began to receive long-term disability payments from an insurer in the amount of \$2,592 per month. As soon as that income

[REDACTED]

was entered, the county sent petitioner a notice informing her that effective September 1, 2015 BC+ for the two adults would end. BC+ for their son would continue. After petitioner appealed BC+ was reopened pending this decision.

DISCUSSION

Prior to April 1, 2014, the gross income limit for BC+ was 200% of the FPL. State law changed effective April 1, 2014 following the passage of 2013 Wisconsin Act 20. As of that date the gross income limit for caretaker parents was reduced to 100% of the FPL, which, for a three-person household is \$1,674.17. See Wis. Stat., §49.471(4)(a)4.b for the new law, and the BC+ Handbook, Appendix 50.1 for the limit.

Under Wisconsin law the beginning of the long-term disability payments for petitioner's husband put the adults over the BC+ income limit. At this point they would have to obtain insurance from the federal marketplace; I am aware of no exception to the gross income test under which this office could make petitioner and her husband eligible for BC+. There are other types of medical assistance in Wisconsin, but all other types require the adult to be either elderly, or disabled as defined for Social Security purposes. Thus although petitioner's husband has been determined to be disabled for his disability insurance, he would have to be determined disabled under social security rules to be eligible for disability-based MA.

CONCLUSIONS OF LAW

The county correctly sought to close BC+ for the adults in petitioner's household because new income put them over the BC+ gross income limit.

THEREFORE, it is

ORDERED

That the petition for review is hereby dismissed.

REQUEST FOR A REHEARING


You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

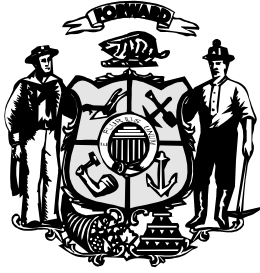
APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).


The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 24th day of September, 2015

\sBrian C. Schneider
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on September 24, 2015.

Grant County Department of Social Services
Division of Health Care Access and Accountability